

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 11 has been canceled, without prejudice, claim 15 has been amended to correct a minor grammatical error, and new claims 19-32 have been added to recite further patentably distinguishing features of the present invention. No new matter has been added, and it is respectfully requested that the new claims be approved and entered.

The application was originally filed with 18 claims of which 6 were independent, and the appropriate claim fee was paid for such claims. The application now contains 31 claims, of which 8 are independent. Accordingly, a claim fee in the amount of \$366.00 for the addition of 2 extra independent claims and 11 extra claims in total is attached hereto. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Account No. 06-1378.

THE PRIOR ART REJECTIONS

Claims 1, 2, 4, 5, 10, 11 and 15 were rejected under 35 USC 102 as being anticipated by USP 6,253,214 ("Hall et al"), claims 3, 6-9, 17 and 18 were rejected under 35 USC 103 as being unpatentable over Hall et al in view of USP 5,901,228 ("Crawford"), and claims 12, 13, 14 and 16 were rejected under 35

USC 103 as being unpatentable over Hall et al in view of USP 6,460,055 ("Midgley et al"). These rejections, however, are respectfully traversed with respect to claims 1-18 as well as with respect to new claims 19-32.

With respect to independent claims 1 and 2, it is respectfully submitted that Hall et al does not disclose, teach or suggest any feature corresponding to the "storage condition designating means" of claim 1 or the step of "designating a condition for storage" of claim 2.

It is respectfully pointed, moreover, that the system and the method of the first embodiment of the present invention are not characterized by the accounting means, but rather by how to efficiently back up the medical image data such as endoscope image information obtained in an endoscope examination without being attended to by each of a plurality of medical institutions in a troublesome manner.

In other words, the claimed present invention is focused on the importance of the backup timing (i.e., the timing as to when to backup), and the kind of backup data (i.e., the personal data of the patient, data for each examination, and data for each medical institution), and the claimed invention is characterized by the control performed based thereon. For example, according to the present invention as recited in independent claim 3, a backup mode is selected in which medical image data is backed up, and medical image data is backed up in a selected backup mode. Similarly, according to the present invention as recited in

independent claim 4, control means is provided for controlling an image backup device according to a backup mode. According to the present invention as recited in independent claims 10 and 17, a backup mode is selected from among a plurality of backup modes, the selected backup mode is designated as a backing up method, and medical image data, which is stored in a storage device, is backed up in an image backup device over a network according to the designated backing up method. According to the present invention as recited in new independent claim 26, a backup mode among backup timings is selected as the backup mode for backing up medical image data stored in a storage device in an image backup device over a network. And according to the present invention as recited in new independent claim 29, a backup mode among kinds of backup data is selected as the backup mode for backing up medical image data stored in a storage device in an image backup device over a network.

Still further, it is respectfully pointed out that the dependent claims recite further specific features of the system and the method of the present invention. For example, according to the present invention as recited in claim 15, all of the medical image data stored in the storage device is backed up for each examination at a time. And dependent claims 27, 30, 31 and 32 recite similar features whereby all of the medical image data stored in the storage device is backed up at a time.

It is respectfully submitted that the above described features of the claimed present invention are not disclosed,

taught or suggested by Hall et al. In this connection, it is noted that in the backup method of Hall et al, one of an instant print-out, storage in a storage device for a predetermined period of time, and storage in a primary storage device or a secondary storage device is selected. And it is respectfully submitted that this technique is different from the system and method of the claimed present invention.

In addition, it is respectfully submitted that Crawford also does not disclose, teach or suggest the above described features of the claimed present invention. In this connection, it is noted that in Crawford, charging is made based on CPU time (working time/processing speed), disk space (capacity), and band width, which is different from the claimed present invention both in terms of backup modes as well as in terms of accounting.

Midgley et al, moreover, has merely been cited for the disclosure therein selectable backup profiles.

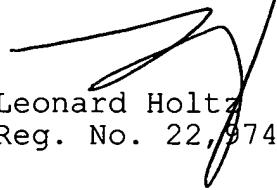
In view of the foregoing, it is respectfully submitted that the claimed present invention patentably distinguishes over all of the cited references, taken singly or in any combination, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 15 has been amended as follows:

15. (Second Amended) A medical data preservation method according to Claim 10, wherein all [the] of the medical image data stored in said storage device is backed up for each examination at a time in said image backup device.